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Amdt. dated   :   12/22/2003

REMARKS

In the Office Action dated January 23, 2003, the Examiner rejected Claims 1-14 as being unpatentable under 35 U.S.C. 103(a) as being unpatentable over U.S. patent No. 4,996,642 issued to Hey (hereinafter "Hey"). In rejecting the claims, the Examiner stated that in Hey, a database "stores files indicating each user's sampled items and their rating for the sampled item and their rating for the sampled item...After matching and additional processing, other users files are identified as "recommending users" due to the degree of agreement between the identified files and the selected user's file..." Applicant respectfully disagrees with this characterization of Hey for at least the following reasons.

In Hey, a scalar *rating* representing __*the reaction*__ of a selected user to a *particular __sampled__ item* is defined for each item sampled by a selected user. The selected user is then successively paired with other users in the group **whom have also __sampled__ the same item**. The difference in ratings for __*items sampled*__ by both of a pair of members is determined and an agreement scalar for the pair of users is defined. Thereafter, weighting values are calculated and applied to items unsampled by the selected user to proportionally alter the difference between **a rating previously predicted** for the selected user **__for each__ unsampled item**. **The rating predicted for __each__** unsampled item represents a __*predicted reaction*__ of the selected user to the unsampled item.

Thus in Hey, a selected user must sample items of a database and provide a subjective rating for each sampled item. The selected user's rating for a single given item is then compared in a one-to-one fashion against each other user's rating for the identical single item. A scalar value is then assigned to represent the closeness between the two ratings of each user pairing. Calculations are then performed to identify a weighting factor which is applied to other non-sampled items in the database to subjectively predict the selected user's reaction to a given unsampled item.

In contrast to Hey, the present invention (as represented in Applicant's claims) utilizes one or more user provided preferences to recommend one or more items/preferences stored in a database to the user. The user preferences are then

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compared in a one-to-many or many-to-many fashion against multiple items/preferences stored in the database to identify and recommend one or more qualified items/preferences (including classes items/preferences). Even if we were to assume arguendo that the "ratings" in Hey and "preferences" in the pending application could be considered equivalent (which Applicant submits is not the case), Hey would be strictly limited to searching a database to identify ratings assigned to a single item by other users. Hey would not provide for using preferences to search a database to identify multiple items or additional preferences. Additionally, in the pending application, users are not required to sample any item(s) within the database, let alone provide a subjective reaction to any of the items, as is required by Hey.

Accordingly, for at least the reasons set forth above, claim 1-14 (as well as new claims 15-38) are patentable over Hey.

CONCLUSION

Applicant has further endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Any claim amendments which are not specifically discussed in the above remarks have not been made for patentability purposes. In addition, such amendments do not narrow the scope of the claims. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language. In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejection is requested.

Respectfully submitted,

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